



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,556	11/07/2003	Yoshiaki Noda	1259-0242P	8239
2292	7590	08/25/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			OSELE, MARK A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/702,556

Applicant(s)

NODA ET AL.

Examiner

Mark A. Osele

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Posey. The admitted prior art discloses that it is known to unwind a first polymer film from a first film roll to supply the first polymer film to a tentering device, unwind a second polymer film from a second film roll after unwinding of the first polymer film is completed, splicing the first and second polymer films, and unwinding the second polymer film from the second film roll after splicing to supply the second polymer film to the tentering device (Instant specification page 2, lines 16-30). The admitted prior art fails to show the splicing to occur by thermal melting of overlaid films.

Posey teaches that polymer films can be spliced for continuous feeding to a processing station by overlying the trailing end of the first film and the leading end of the second film and using an impulse heater (column 4, lines 39-42) to seal the webs together (column 2, lines 23-30). Posey also teaches that the ends of both webs can be cut at a single cutting station and then moved so as to overlap each other before heat sealing (Figs. 8a-88i, column 2, lines 31-47; column 6, lines 17-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use

Art Unit: 1734

the overlap heat sealing device of Posey in the method of the admitted prior art because Posey shows this splicing device to be quick, economical, and minimally disruptive (column 1, lines 56-60). Although Posey only discloses a sensor for a splice, it is conventional to use similar sensors to detect web ends to ensure that a depleting web does not completely run out prior to splicing a succeeding web, thereby ensuring continuous supply of the web to a processing apparatus.

3. Claims 2-8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Posey as applied to claim 1 above, and further in view of Gatteschi. As shown in paragraph 2 above, the references as combined show the instantly claimed limitations except for forming a loop of the first polymer film in a reservoir.

Gatteschi shows a heat seal splicing device for polymer films wherein a reservoir, 7, is used to hold a loop of the first polymer film, A, so that film can be provided to the processing device continuously (column 2, lines 48-57) while the films are being spliced. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the reservoir of Gatteschi into the method of the references as combined to provide film continuously to the processing station.

Regarding claim 3, Gatteschi shows cutting off the trailing end of the first polymer film with a cutter, 15A, upstream of the film connecting position.

Regarding claim 4, the width of melt-adhesion line would be determined by routine optimization.

Art Unit: 1734

Regarding claims 5-6, Posey teaches that there is no tail of the trailing end of the first polymer after cutting and sealing (Fig. 8i).

Regarding claims 7-8, it would have been within the purview of one of ordinary skill in the art to determine the length of the trailing end of the first polymer film that should be cut off after considering factors such as the cost of the film per unit length and the amount of film regularly damaged by attachment to a reel.

Regarding claims 10-12, the admitted prior art shows the polymer films to be PVA which are treated with a liquid prior to entering a tentering device wherein the films are expanded. In addition, Posey teaches treating the polymer films between the splicing location and the processing station (column 6, lines 63-66).

Response to Arguments

4. Applicant's arguments filed June 16, 2005 have been fully considered but they are not persuasive. Applicants main argument is that Posey fails to show treating the ends of webs, such as by cutting, to create first and second trailing ends which are then heat spliced. As shown above, Posey shows that the cutting and splicing method can be used to either remove a splice from a web or to join ends of two webs together for continuous supply (Figs. 8a-8i; column 6, lines 57-60).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 1734

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

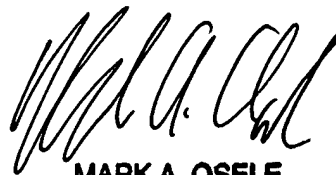
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Osele whose telephone number is 571-272-1235. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark A. Osele', is positioned above the printed name and title.

MARK A. OSELE
PRIMARY EXAMINER

August 22, 2005